

REMARKS

Claims 1-30 were previously pending, of which claims 2-4, 12, 21, 24, and 28 have been canceled. As a result, claims 1, 5-11, 13-20, 22, 23, 25-27, 29, and 30 are currently pending. Reconsideration and allowance of all pending claims of this application are respectfully requested in light of the foregoing amendments and following remarks.

As a preliminary matter, Applicant would like to thank the Examiner for the courtesies extended to Applicant's representative during the telephone conference conducted on December 13, 2006, in connection with this application. During the telephone conference, the Examiner suggested certain amendments that he believed would place the application in condition for allowance. Applicant has made the suggested amendments and, for the reasons set forth in greater detail below, request full allowance of all pending claims.

Rejections under 35 U.S.C § 101

During the above-referenced telephone conference, the Examiner indicated that claims 11, 13-20, and 22 would be rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. In response, Applicant has amended independent claims 11 and 20 to overcome the rejection and therefore respectfully request that the rejection be withdrawn. Claims 13-19 and 22 depend from and further limit claims 11 and 20; therefore, the subject rejection should also be withdrawn with respect to those claims.

Rejections under 35 U.S.C § 112, second paragraph

During the above-referenced telephone conference, the Examiner indicated that claims 23, 25-27, 29, and 30 would be rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. In response, Applicant has amended claims 23 and 27 to overcome the rejection and therefore respectfully request that the rejection be withdrawn. Claims 25, 26, 29, and 30 depend from and further limit claims 23 and 27; therefore, the subject rejection should also be withdrawn with respect to those claims.

Rejections under 35 U.S.C § 102(e)

Claims 1-30 stand rejected under 35 U.S.C. §102 (e) as being anticipated by U.S. Patent No. 7,032,444 to Shen et al. (hereinafter "Shen"). Applicant respectfully traverses the Examiner's position for the following reasons.

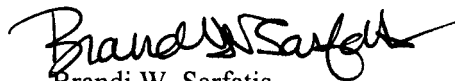
The PTO provides in MPEP § 2131 that “[t]o anticipate a claim, the reference must teach every element of the claim” With regard to independent claims 1, 11, 20, 23, and 27, Applicant submits that Shen fails to teach every element of those claims.

In particular, as suggested by the Examiner in the aforementioned telephone conference, Applicant submits that Shen fails to teach at least “the executable code including marker information including at least one marker for identifying at least one VoiceXML element and a respective location of the at least one VoiceXML element within the XML document” as recited in independent claim 1, as amended. Therefore, Shen fails to anticipate claim 1 as it fails to teach every element thereof. Each of claims 11, 20, 23, and 27 includes limitations similar to those of claim 1 and is therefore also not anticipated by Shen. Claims 5-10, 13-19, 22, 25, 26, 29, and 30 depend from and further limit claims 1, 11, 20, 23, and 27 and are therefore also not anticipated by Shen.

Conclusion

It is clear from the foregoing that all of the pending claims are in condition for allowance. An early formal notice to that effect is therefore respectfully requested.

Respectfully submitted,


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